

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

WESTROCK SERVICES, INC.)	
)	
and)	
)	
JOE PIKE, Petitioner)	CASE 10-RD-195447
)	
and)	
)	
GRAPHIC COMMUNICATIONS)	
CONFERENCE/INTERNATIONAL)	
BROTHERHOOD OF TEAMSTERS)	
SOUTHEAST LOCAL 197-M)	

REQUEST FOR REVIEW

Pursuant to 29 C.F.R. §§ 102.67(c) and 102.71(b), Petitioner Joe Pike and employer WestRock Services, Inc. ("WestRock") request review of the June 28, 2017 decision by the Acting Regional Director ("ARD") to dismiss Petitioner Pike's RD petition. The ARD used unfair labor practice ("ULP") precedent to usurp the NLRA § 10(b) jurisdiction of administrative law judges ("ALJs") over disputed fact-issues. The ARD then determined, without a hearing, that ULPs had occurred, relying on imaginary (or at least undisclosed) "*witness testimony*." Disregarding Saint Gobain's "*traditional rule that genuine factual issues require a hearing*," the ARD's arbitrary-and-capricious power grab tramples Universal Camera Corp. v. NLRB, 340 U.S. 474 (1951), NLRA § 10(b) hearing procedure, and the Board's own precedent in, *inter alia*, Linwood Care Center, 365 NLRB No. 24 (Feb. 3, 2017), Truserv Corp., 349 NLRB 227 (2007), and Saint Gobain Abrasives, Inc., 342 NLRB 434 (2004). Instead of resolving disputed facts by decree, the ARD should have respected due process and followed the Board's "*blocking charge policy*" and stayed processing of Petitioner Pike's petition until the sole entity with jurisdiction (the Board's ALJ) could hold hearings and resolve disputed ULP facts. In support of this request for review, Petitioner Pike and WestRock show as follows:

Introduction

1. Because the Board must consider "*conflicting evidence*," see Universal Camera, 340 U.S. at 487-88, the Board has long held "*that genuine factual issues require a hearing*." See Saint Gobain, 342 NLRB at 434.

2. Instead of awaiting the ALJ's hearing on disputed facts concerning ULP charges, the ARD dismissed the petition based on "*witness testimony*" that never happened because no hearing was ever held.

a. Here, the ARD dismissed an employee's RD petition based on the incumbent union's so-called "*witness testimony*" alleging ULPs purportedly "*tainting*" the petition.

b. Contrary to NLRA § 10(b)'s mandate of an evidentiary hearing to resolve disputed ULP facts, and in disregard of established Board procedures, the ARD relied on a case reviewing an ALJ's ULP decision to usurp ALJ jurisdiction here, pretended he held a hearing with "*witness testimony*" when he held none, gave no opportunity to know (let alone challenge) who (if anyone) offered information supporting his usurpation, provided no consideration to employer accounts disputing his result, and did not explain why he rejected the employer's accounts over contrary information he claims he had.

3. This dismissal violates fundamental due process standards of administrative law and deprives employees of their statutory right to a vote.

a. The Board's "*blocking charge policy*" does not countenance the unqualified dismissal of employee petitions based on disputed and unresolved allegations.

b. The Board should grant review and reinstate the petition here.

4. The reason for reinstatement is simple: due process and NLRA § 10(b) mean that resolution of factual disputes regarding alleged ULPs falls within the Board ALJs' jurisdiction.

a. The Regional Director must issue a Complaint to have factual disputes resolved by the Board's ALJs.

b. The Regional Director may **not** dismiss a legitimate employee petition without providing the employees an opportunity for reinstatement of the petition if the Regional Director's undisclosed "*witnesses*" later recant or are discredited at a subsequent hearing.

c. That is why the Board's long-standing "*blocking charge policy*" contemplates a stay of representation proceedings in cases like this, rather than the unprecedented dismissal that happened here.

Facts Upon Which the Request for Review Is Based

5. The Graphic Communications Conference of the International Brotherhood of Teamsters, Southeast Local 197-M (the "GCC") is the certified bargaining representative of employees at WestRock's facility on Amnicola Highway in Chattanooga, Tennessee.

6. The most recent collective bargaining agreement between WestRock and the GCC covering this facility went into effect more than three years ago, on October 3, 2013.

7. On March 8, 2017, after the three-year anniversary date on the contract, the GCC wrote to WestRock's management and alleged that "*plant management is allowing employees to solicit signatures on a petition to decertify the Union as the employees' bargaining representing [sic] on the workroom floor on Company time in violation of the plant's work rules.*" A copy of this letter is attached hereto as "**Exhibit A.**"

8. In response to the GCC's letter, the facility's general manager Randy Reed addressed all employees on March 22, 2017: "*It is your individual decision whether or not to sign a union card. *** I want to be very clear at this time that WestRock is not taking any official position on whether you should or should not be for the union. The certification process was started without our involvement and we will keep it that way....*"

9. Addressing the allegations in the GCC's letter regarding "*work rules*," Reed explained: "*As you know, we do not try to restrict your non-work conversations during working time. However, we do expect that no one will interfere with your own, or anyone else's work. Let's make sure that we follow that rule and get our work done and serve our customers.*" A copy of Reed's complete remarks is attached hereto as "**Exhibit B.**"

10. On March 24, 2017, two days after WestRock had explained its "*work rules*" at the GCC's request and more than five months after the collective bargaining agreement's three-year anniversary date, Joe Pike, a Pressman at WestRock's facility, filed a decertification petition, assigned Case 10-RD-195447. The copy of the RD petition, as served on WestRock, is attached hereto as "**Exhibit C.**"

11. Three days later, on March 27, 2017, the GCC filed a ULP charge alleging, *inter alia*, that WestRock had permitted to its employees to solicit signatures for the RD petition in violation of company rules. The Regional Director assigned this charge Case 10-CA-195617.

12. The GCC further filed various "*amended*" versions of its charge in Case 10-CA-195617 on March 28, April 6, April 21, May 1, June 6, and July 7, 2017. A copy of the "*Second Amended Charge*," as submitted on April 6, 2017, is attached hereto as "**Exhibit D.**"

13. WestRock has disputed all of the allegation in the GCC's charge and has cooperated with the Region's investigation of the GCC's allegations.

14. On April 20 and 21, 2017, WestRock permitted Board Agent Kami Kimber to take witness affidavits from WestRock's supervisory and management representatives, including:

- first shift supervisor Sheila Smith;
- third shift supervisor Walter "Charlie" White;
- human resource manager Tameka Cheeks;
- pressroom and maintenance supervisor David Gravitt;

- second shift litho team leader Adam Cartwright; and
- general manager Randale "Randy" Reed.

Copies of these affidavits are attached hereto as "**Exhibits E, F, G, H, I, & J.**"

15. Thereafter, on April 28, 2017, WestRock submitted its Position Statement and disputed all of the GCC's allegations. A copy of WestRock's Position Statement is attached hereto as "**Exhibit K.**"

16. After WestRock had submitted its Position Statement, the GCC continued to amend its charge. The "*3rd [sic] Amended Charge*" that the GCC filed on June 6, 2017 added several new allegations, including the following allegations regarding two witnesses that Board Agent Kimber had previously interviewed in April:

- *"On or about March 1, 2017, the Employer, by General Manager Randy Reed, promised benefits to its employees by telling them they would receive a raise if the Union was decertified."*
- *"On or about March 6, 2017, the Employer, by Shift Supervisor Sheila Smith, encouraged, promoted and assisted its employees' decertification efforts by telling employees that the Employer would encourage unwilling employees to sign the decertification petition."*

A copy of this June 6, 2017 amendment to the charge is attached hereto as "**Exhibit L.**"

17. However, the affidavits that Board Agent Kimber had previously collected from Smith and Reed, on April 20 and April 21, respectively, provide **no support** for the GCC's new allegations:

- The only meeting in "*[o]n or about March 1, 2017*" discussed in Reed's affidavit is a meeting he had with his supervisors in "*early March*" to "*go over the rules of what they could and couldn't say to employees*" about decertification. See Ex. J, attached, ¶ 4. He did **not** promise any benefits.
- Smith said in her affidavit that, when employees came to her and asked her about decertification, she "*told them to talk to Joe Pike*" and that she herself "*did not go to the employees.*" See Ex. E, attached, ¶ 8. Smith only answered employee questions, and she did **not** tell any employees that the Employer would encourage unwilling employees to sign the petition.

18. The lack of merit to the new allegations in the GCC's amended charge is further underscored by the fact that Board Agent Kimber did **not** ask to re-interview Reed, Smith, or any other WestRock supervisory or managerial representative based on the GCC's new allegations.

19. However, on June 28, 2017, ARD Terry Combs wrote to Petitioner Pike and informed him that the Region was dismissing his RD petition.

20. The ARD informed Petitioner Pike that his petition had been "*tainted by the Employer's involvement in the solicitation of the aforementioned cards.*" The ARD purported to explain: "*[W]itness testimony established that the Employer solicited and encouraged the filing of the petition by allowing employees to solicit support for the decertification petition during work time and in work areas, while prohibiting employees from discussing Union matters during work time and in work areas, thereby disparately enforcing its solicitation policy.*" (emphasis added). A copy of the ARD's letter to Petitioner Pike is attached as "**Exhibit M.**"

21. Despite the ARD's reference to **so-called** "*witness testimony*," **no witnesses** were disclosed or identified, and **no hearings have been held** in either Case 10-RD-195477 or in Case 10-CA-195617.

22. As basis for the ARD's dismissal of Petitioner Pike's RD petition, the letter cited to Mickey's Linen & Towel Supply, Inc., 349 NLRB 790 (2007), a ULP case (not a representation case) in which a hearing had been held, where the GC had the proof burden, and where the parties permitted to cross-examine GC witnesses and present their own.

23. No Complaint has issued on the disputed ULP charges in Case 10-CA-195617. To the contrary, the GCC submitted its "*4th [sic] Amended Charge*" on July 5, 2017, which was **after** the dismissal of Petitioner Pike's petition in Case 10-RD-195477. A copy of the Region's July 7, 2017 letter requesting evidence regarding the Amended Charge is attached hereto as

"Exhibit N."

Reasons Upon Which the Request for Review Is Based

24. According to 29 C.F.R. § 102.71(b), the Board may review the decision of a Regional Director dismissing a representation petition when "(1) ... *a substantial question of law or policy is raised because to (i) the absence of, or (ii) a departure from, officially reported Board precedent*" or "(3) *the regional director's action is, on its face, arbitrary or capricious.*"

25. Here, both sub-paragraphs (1) and (3) are met.

a. The ARD's decision departs from the Supreme Court's rule announced in Universal Camera Corp. v. NLRB, 340 U.S. 474 (1951), and departs from officially reported Board precedent in, *inter alia*, Linwood Care Center, 365 NLRB No. 24 (Feb. 3, 2017), Truserv Corp., 349 NLRB 227 (2007), and Saint Gobain Abrasives, Inc., 342 NLRB 434 (2004).

b. His decision -- relying on undisclosed, so-called "*witness testimony*" when no hearing has been held and there has been no opportunity for cross-examination -- is also arbitrary and capricious.

c. His decision departs from §10(b)'s mandate that, after the Regional Director issues a Complaint, the employer must be allowed to answer it and its amendments, and the Board (through an ALJ) must allow the accused employer to appear at hearing and provide evidence to respond to the Complaint's allegations; the ARD here imagined information from unknown sources untested by hearing "*establish[ing]*" ULPs that WestRock committed when it somehow "*supported*" Petitioner Pike's efforts to collect cards in support of his petition

26. The Board's decision in Linwood Care Center earlier this year is instructive.

a. There, the employees had filed an RD petition, but the incumbent union countered with ULP charges alleging that the employer's agents had "*solicited employees Mary*

Jo Halpin, Cassandra Morton, and Henry Waugh to sign a decertification petition." 365 NLRB No. 24, slip op. at 1.

b. In Linwood Care Center, the Board concluded that these allegations were "*sufficient to warrant holding the petition in abeyance pursuant to the Board's blocking charge policy. See CHM Section 11730.*" Id.

27. Here, in contrast to Linwood Care Center, the ARD did **not** hold the petition in abeyance and did **not** follow the Board's "*blocking charge policy.*" Casehandling Manual Section 11730 sets forth this policy, and it contemplates that the Region either will stay proceedings and hold the petition in abeyance (which is what happened in Linwood Care Center) or else will dismiss the petition, but subject to reinstatement "*if the allegations in the unfair labor practice case, which caused the petition to be dismissed, are ultimately found to be without merit.*" CHM § 11733.2(b).

28. The finding of "*ultimate merit*" is critical.

a. Where a union and employer resolve ULP charges by settling the charges without an admission of wrong-doing, the Board's stated policy is to "*reinstat[e] and process[]*" a previously-filed representation petition at the petitioner's request. See Truserv Corp., 349 NLRB 227, 228 (2007).

b. That is why the Casehandling Manual requires that the petitioner be made party to the ULP proceeding. See CHM § 11733.2(b).

29. Here, contrary to the Board's stated policy, the ARD has made no provision for reinstatement of Petitioner Pike's RD petition; instead, the ARD's letter pretends as if the "*ultimate merit*" of the charges in Case 10-CA-195617 has already been determined.

30. This was fiction: **no Complaint** had been issued, and **no hearings** held.

a. The GCC has continued to "*amend*" its charges, most recently on July 5, 2017, see Ex. N, attached.

b. WestRock has **not** yet been informed of the factual bases for all of the ULP various allegations against it, much less been given an opportunity to dispute the ever-changing allegations.

31. The ARD's unilateral dismissal of the petition based on disputed allegations and undisclosed "*testimony*" supporting an alleged "*taint*" finding violates Board precedent.

a. **The Board applies "*the traditional rule that genuine factual issues require a hearing.*"** Saint Gobain Abrasives, Inc., 342 NLRB 434, 434 (2004).

b. This makes sense; the Board must take "*contradictory evidence*" into account and may not rely exclusively on one-sided evidence supporting its decision. See Universal Camera Corp. v. NLRB, 340 U.S. 487-88 (1951); United Scrap Metal, Inc., 344 NLRB 467, 468 (2005) ("*We are mindful, of course, of our duty to take into account any countervailing evidence which might detract from our conclusion*").

c. The ARD's sleight of hand moves the proof burden from the General Counsel ("GC") to the employer, whereas Board precedent requires that the GC bear the burden of proof.

d. The ARD's sleight of hand ensures the employer cannot know the identity of who (if anyone) offers opposing evidence, let alone challenge what is offered by cross-examination, whereas NLRA § 10(b) mandates otherwise.

e. The ARD's sleight of hand prevents the employer from effectively knowing what evidence must be offered and confines what is offered to what the Board Agent asks his witnesses, whereas § 10(b) mandates that the employer be allowed to "*file an answer to the original or amended complaint and to appear ... and give testimony at the place and time fixed*

in the complaint."

32. Here, WestRock previously raised numerous factual issues disputing the ARD's stated reasons for dismissing Petitioner Pike's RD petition.

a. WestRock's Position Statement, submitted on April 28, 2017 -- after Board Agent Kimber had already interviewed six WestRock supervisory and managerial representatives -- makes clear that WestRock was **disputing all material allegations** in the GCC's charge. See Ex. K, attached.

b. The statements themselves dispute the charges to the extent the Board Agent asked questions during interviews.

33. The ARD's letter supports his usurpation of jurisdiction by citing so-called "*witness testimony*" when **no Complaint was ever issued, no hearing was ever held, and no witness ever testified.**

a. Not only was no Complaint ever issued, the ARD is still allowing amendments to the ULP charges about which the ARD has already made his fact findings, see Ex. N, attached; this power-grab does not simply violate due process and NLRA § 10(b), it makes a mockery of even-handed dispute resolution of any kind.

b. The only supporting statements under oath here (if there are any) presumably must be employee affidavits that **no one but the Board Agent and the affiant employees can see** until they are to be challenged by cross-examination at a hearing before an ALJ with jurisdiction to decide ULP fact issues subject to Board review; resolving such issues this way violates § 10(b).

c. The only witnesses for whose testimony counsel was present were management employees interviewed by the Board Agent to answer only the questions she chose to ask,

without the opportunity to tell their side (or to do so after hearing contrary testimony), and without the benefit of a hearing before anyone with jurisdiction to resolve disputes between their accounts and those of her secret, unfronted witnesses.

34. Far from "*establish[ing]*" that WestRock somehow "*supported*" Petitioner Pike's efforts to gather signatures for his petition, the affidavits and other evidence known to WestRock say just the opposite:

- Team leader Adam Cartwright submitted the following affidavit: "*I am Joe Pike's, petitioner's, immediate supervisor. I am aware that Pike is the employee who filed the decertification petition.... I did not have any conversations with Pike about his petition....*" Ex. I, attached, ¶ 9 (emphasis added).
- The general manager Randy Reed submitted the following affidavit: "*I told employees that I didn't want anyone, on either side, harassing anyone else*" Ex. J, attached, ¶ 5.
- Reed also told employees: "*As you know, we do not try to restrict your non-work conversations during working time. However, we do expect that no one will interfere with your own, or anyone else's work. Let's make sure that we follow that rule and get our work done and serve our customers.*" Ex. B, attached, p. 3 (emphasis added).
- He also explained: "*It is your individual decision whether or not to sign a union card. *** I want to be very clear at this time that WestRock is not taking any official position on whether you should or should not be for the union.*" *Id.*, p. 2 (emphasis added).

35. WestRock disputes all material allegations in the GCC's ULP charge (now on its sixth amendment), and asserts its NLRA § 10(b) rights to a hearing and cross-examination of witnesses.

a. If a Complaint is ever issued as § 10(b) anticipates, WestRock stands ready to answer in accordance with its rights.

b. If the matter is allowed to proceed to a real (not imaginary) hearing before the proper decisionmaker (not the ARD) as § 10(b) prescribes, WestRock will be prepared to call upon witnesses who can refute the GCC's spurious allegations questioning the honesty of Reed

and Smith, and to challenge by cross-examination after reviewing the statements of the secret witnesses the ARD claims exist and support his conclusions.

36. The ARD decided to dismiss the RD petition **before** any hearing could be held to determine the truth of the GCC's charges or even the "*causal relationship*" between the employer's alleged misconduct and the RD petition; this violates long-established Board precedent. See Saint Gobain, 342 NLRB at 434.

37. The ARD was not free to resolve disputed factual issues without giving WestRock (and its employees) the opportunity to be heard.

a. The ARD should have stayed the petition and issued a Complaint and Notice of Hearing so the ALJ could resolve fact issues as the law prescribes. See 29 C.F.R. § 102.15.

b. Given the interest that petitioner Petitioner Pike has in the ultimate outcome of that proceeding, the ARD should also have named Petitioner Pike as a party. See CHM § 11733.2(b).

38. Once a Complaint is issued, Board procedures assign the ALJ, **not** the Regional Director, with responsibility for making "*findings of fact*." See 29 C.F.R. § 102.45.

39. The ARD has usurped the Board's jurisdiction.

a. He has not yet issued a Complaint, but he has taken upon himself the role of making the "*findings of fact*" set out in his June 28, 2017 letter. In so doing, the ARD acted arbitrarily and capriciously and did not even bother to give any reason for crediting the GCC's affidavits (if any there be) over WestRock's affidavits. See Exs. E, F, G, H, I, & J, attached.

b. This violates the long-standing principle in Universal Camera requiring consideration of "*countervailing evidence*." See United Scrap, 344 NLRB at 468; cf. Zblewski v. Schweiker, 732 F.2d 75, 79 (7th Cir. 1984) (citing Universal Camera and explaining: "*It is more*

than merely 'helpful' for the ALJ to articulate reasons (*e.g.*, lack of credibility) for crediting or rejecting particular sources of evidence. ***It is absolutely essential for meaningful appellate review.***") (emphasis added).

40. In citing Mickey's Linen & Towel Supply, Inc. as the basis for his decision, the ARD underscored just how arbitrary his decision was.

a. In Mickey's Linen, the Board reviewed the record for a **ULP hearing** conducted before an ALJ and concluded, **based on the evidence presented at the hearing**, that "*employees could reasonably feel coerced into signing the decertification petition.*" See 349 NLRB 790, 791 (2007).

b. In marked contrast with Mickey's Linen, **no hearing** was held here to determine whether or not any employees felt "*coerced into signing the decertification petition.*" Instead, the ARD **has merely assumed such coercion** and has **not** disclosed the evidence he relied on either to WestRock or to Petitioner Pike.

41. The ARD does not get to make assumptions in order to deny employees their statutory right to a vote; this, however, is how the ARD's decision impacts Petitioner Pike and his co-workers.

a. WestRock and the GCC are currently engaged in negotiations for a new collective bargaining agreement.

b. Whenever WestRock and the GCC finalize a new agreement, the contract-bar doctrine will preclude a new RD petition, no matter how badly employees might desire a vote.

42. This means that, even if every allegation in Case 10-CA-195617 is disproven after a Complaint is issued and a hearing is held, the ARD's actions on June 28, 2017 will have already precluded the employees from proceeding with their decertification efforts.

43. The ARD's decision violates long-settled Board precedents and cannot stand. His arbitrary-and-capricious dismissal of a petition based on disputed and undisclosed "*witness testimony*" calls for review and reversal, with the Board to instruct the Regional Director to reinstate the petition in Case 10-RD-195447, provided that processing of the petition may be stayed pending final resolution of the "*blocking charges*" in Case 10-CA-195617.

Conclusion

WHEREFORE, Petitioner Pike and WestRock respectfully request review of the ARD's June 28, 2017 decision and asks that the Board direct the Regional Director to reinstate the petition in Case 10-RD-195447, provided that processing of the petition may be stayed pending resolution of the disputed ULP charges in Case 10-CA-195617.

/s/ Thomas W. Scroggins

Thomas W. Scroggins
ATTORNEY FOR PETITIONER
JOE PIKE

OF COUNSEL:

ROSEN HARWOOD
P.O. Box 2727
Tuscaloosa, Alabama 35403
Telephone: (205) 344-5000
Facsimile: (205) 758-8358
E-mail: tscroggins@rosenharwood.com

/s/ John J. Coleman, III

John J. Coleman, III
Marcel L. Debruge
Frank McRight
ATTORNEYS FOR EMPLOYER
WESTROCK SERVICES, INC.

OF COUNSEL:

BURR & FORMAN LLP

420 North 20th Street, Suite 3400

Birmingham, Alabama 35203

Telephone: (205) 251-3000

Facsimile: (205) 458-5100

E-mail: mdebruge@burr.com

jcoleman@burr.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with the Office of the Executive Secretary of the Board via Electronic Filing, a copy has also been served via email on the following, on this the 11th day of July, 2017.

Terry D. Combs
Acting Regional Director
National Labor Relations Board
Region 10
233 Peachtree St., NE
Harris Tower Ste. 1000
Atlanta, GA 30303-1504
Terry.combs@nlrb.gov

Peter J. Leff, Attorney
Mooney, Green, Saindon, Murphy
& Welch, P.C.
1920 L Street NW, Suite 400
Washington, DC 20036-5041
pleff@mooneygreen.com

Robert Kelly, President
Graphic Communications Conference/
International Brotherhood of Teamsters
Southeast Local 197-M
3922 Volunteer Drive, Suite 12
Chattanooga, TN 37416-3901
Rkellygcc197m@windstream.net

Joe Pike, Pressman
4613 Anderson Pike
Signal Mountain, TN 37377-1047
Jnp3721@yahoo.com

Randy Reed, General Manager
WestRock Services, Inc.
2464 Amnicola Hwy
Chattanooga, TN 37406-2311
Randy.reed@westrock.com

/s/ John J. Coleman, III
OF COUNSEL

Exhibit A



Southeast Local 197-M
Graphic Communications Conference/International Brotherhood of Teamsters

3922 Volunteer Dr, Suite 12 Chattanooga, TN 37416-3901

Phone (423) 468-4153 * Fax (423) 468-4154

Members in Alabama-Arkansas-Florida-Georgia-Louisiana-Mississippi-North Carolina-South Carolina-Tennessee

March 8, 2017

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Randy Reed
General Manager
Visual Offset
WestRock
2464 Amnicola Hwy
Chattanooga TN 37406

Tameka Cheeks
HR Manager
Visual Offset
WestRock
2464 Amnicola Hwy
Chattanooga TN, 37496

RE: Negotiations between WestRock and GCC/IBT Local 197-M

Dear Mr. Reed and Ms. Cheeks:

It has come to my attention that plant management is allowing employees to solicit signatures on a petition to decertify the Union as the employees' bargaining representing on the workroom floor on Company time in violation of the plant's work rules. Additionally, some employees are using intimidating behavior to coerce other workers to sign the decertification petition while plant supervisors turn a blind eye.

Please reconfirm your commitment in writing to your employees that WestRock management will enforce plant work rules in an evenhanded way towards both Union supporters and to those who do not support the Union, that WestRock employees are free to support or not support the Union as they see fit without coercion or fear of retaliation, that WestRock will not tolerate any intimidating behavior towards its employees to support or not to support the Union, and that WestRock is committed to complying with its legal obligation to negotiate in good faith with the Union to achieve a new collective bargaining agreement.

Yours truly,

By:


Robert Kelly, President



President
Robert Kelly

Executive Vice President
Tony Christian

Secretary/Treasurer
Larry Best



Exhibit B

During the past few weeks, many of you have asked questions about the effort being made by a number of our employees to decertify the Teamsters union as your bargaining representative.

In addition, I have received a letter from the Teamsters Local 197-M who also seem to be confused about what is going on at our plant.

So, I thought it would be a good idea for us to get together and make sure that everyone understands what a decertification petition is, what it means for you, and what the legal process is for the handling of such petitions.

(As you can see, I am reading what I am telling you today because I don't want any question to come up later about what I have said.) Having said that, let me try to answer the questions that some of you have raised.

QUESTION: What does "decertification" mean?

ANSWER: The law applicable to union representation recognizes the right of employees, such as you, to determine, by a majority vote whether or not you want continued union representation.

So, you have a right to ask the government (NLRB) to conduct a secret ballot election on whether you will continue to be unionized.

The first step of the decertification process is for at 30% of the employees to express an interest (typically by signing so called authorization cards), and filing a petition with the NLRB requesting a secret ballot election.

QUESTION: Do you know when an election would be held here at our plant?

Answer: It would depend on when 30% or more of our employees sign cards supporting decertification. At that point, a petition can be filed with the NLRB. Usually, decertification elections are conducted within four weeks or so from the time a petition is filed. I know everyone would like to get this election over as soon as possible, and I promise to do what I can to avoid any delays in the process.

QUESTION: What do the authorization cards that we are being asked to sign mean and how will they be used in the decertification process?

Answer: Authorization cards do not constitute a "vote" by you on whether to decertify the union. Rather, they are used to show the government (NLRB) there is enough support for the certification to justify the conduct of a secret ballot election. The election that follows will determine if a majority of you want to keep the union, or would like to decertify it. Whether you sign a union authorization card, or not, will not require you to vote in the same way at the secret ballot election.

It is your individual decision whether or not to sign a union card. You have the legal right to choose one way or the other. You have the right to make your decision without being harassed or interfered with by anyone. Unfortunately, we've had some incidents already where a couple of employees have used offensive language and acted in a very disrespectful way to influence others. If anyone here is subjected to that sort of mistreatment you are welcome to talk with me about it. We'll investigate and take appropriate lawful action to see that any inappropriate behavior stops immediately.

QUESTION: What is the company's position on decertification?

Answer: I know that some of you want to hear from us on this issue. However, until we receive notice from the NLRB that an election has been scheduled, we are not legally able to answer your questions and talk with you about our position on the decertification process and its consequences. So, Westrock cannot openly urge you to support or oppose decertification. Therefore, I want to be very clear at this time that Westrock is not taking any official position on whether you should or should not be for the union. The certification process was started without our involvement and we will keep it that way until a petition is filed.

However, the law does state that after a decertification petition is filed, Westrock would be able at that time to express our feelings on whether you are better off with or without this union. We would also be able to provide you with all the facts you need to decide whether you should keep the Teamsters here as your representative.

Remember, also, that the decision on whether to file a petition with the NLRB for a secret ballot election, is yours and yours alone to make. Then, when you vote in the secret ballot election, the decision on whether to keep the union is

yours and yours alone.

QUESTION: If we were to vote to decertify the union, how long would it be before the union would be able to come back into our plant, if we wanted it to?

Answer: If a decertification petition is filed, and the union loses the election, the union would have to stay away for a minimum of one year. After one year, the union could come back, if a majority of you were to vote it back in.

QUESTION: *Have employees at any other WestRock locations voted to decertify their union? If so, are those locations still in business? Has the company taken anything away from those employees who voted to decertify?*

ANSWER: *I checked into this and found out that there have been decertifications of unions at some WestRock locations. Some of these are Conway, Arkansas; North Chicago, Illinois; and Hanover Park, Illinois. All of these facilities are still in business and I am told that all are very successful operations. Nothing was taken away from the employees at these plants after they voted to decertify their union.*

THE UNION LETTER:

One of the things the union said in its letter to me was to accuse someone of you and the company of intimidating, coercing, and retaliating against employees in support of the decertification effort. That is not true. Instead, I have heard that there have been reports of bullying and threatening comments, but those comments have been directed against those seeking recertification, not with the union claims. Either way, however, I want to make sure that everyone, regardless of your position, understands that we expect all of you to do your job, respect our rules, respect each other, and not engage in any behavior that interferes with our ability to do our jobs and serving customers.

The union also raised in its letter a question of whether the company was allowing those who are supporting the certification to solicit support for their position during working time. As you know, we do not try to restrict your non-work conversations during working time. However, we do expect that no one will interfere with your own, or anyone else's work. Let's make sure that we follow that rule and get our work done and serve our customers.

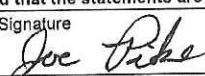
I wish I could say more at this time, but I cannot, other than say that we will continue to follow the law, and do all we can to ensure that this plant is a great place to work.

Exhibit C

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RD PETITIONCase No.
10-RD-195447Date Filed
March 24, 2017

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 7 below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. **PURPOSE OF THIS PETITION: RD- DECERTIFICATION (REMOVAL OF REPRESENTATIVE)** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer WestRock Services Inc.		2b. Address(es) of Establishment(s) involved (Street and number, city, state, ZIP code) 2464 Amnicola Hwy Chattanooga, TN 37406	
3a. Employer Representative - Name and Title Randy Reed General Manager		3b. Address (If same as 2b - state name)	
3c. Tel. No. (423) 622-2255	3d. Fax No.	3e. Cell No. (423) 593-5969	3f. E-Mail Address randy.reed@westrock.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Graphics Plant		4b. Principal product or service Paper products	
5a. Description of Unit Involved Included: All lithograph pressman and apprentice lithographic pressman, assistants, ink, and print material coordinator, employees in the silk screen, shipping, maintenance departments, finishing department, fulfillment, material handlers, and janitors Excluded: temporary employees, clerks, office employees, artists, guards and supervisors as defined in the Act			5b. City and State where unit is located: Chattanooga, TN
6. No. of Employees in Unit 112	7. Do a substantial number (30% or more) of the employees in the unit no longer wish to be represented by the certified or currently recognized bargaining representative? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
8a. Name of Recognized or Certified Bargaining Agent Graphic Communications Conference/International Brotherhood of Teamsters		8b. Affiliation, if any Southeast Local 197-M	
8c. Address 3922 Volunteer Drive, Suite 12 Chattanooga, TN 37416		8d. Tel. No. 423-468-4153	8e. Cell No.
		8f. Fax No. 423-468-4154	8g. E-Mail Address rkellygcc197m@windstream.net
9. Date of Recognition or Certification October 3, 2013		10. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year) October 6, 2016	
11a. Is there now a strike or picketing at the Employer's establishment(s) involved? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		11b. If so, approximately how many employees are participating?	
11c. The Employer has been picketed by or on behalf of (Insert Name) (Insert Address)		a labor organization, of since (Month, Day, Year)	
12. Organizations or individuals other than those named in items 8 and 11c, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5 above. (If none, so state)			
12a. Name None	12b. Address	12c. Tel. No.	12d. Fax No.
		12e. Cell No.	12f. E-Mail Address
13. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.		13a. Election Type: <input checked="" type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail	
13b. Election Date(s)	13c. Election Time(s) 6:30-7:30am, 9:30-10:30am, 2:00-3:00pm and 3:30-4:30pm	13d. Election Location(s) KBA Training Room	
14. Full Name of Petitioner Joe Pike			
14a. Address (Street and number, city, state, ZIP code) 4613 Anderson Pike Signal Mountain, TN 37377		14b. Tel. No.	14c. Fax No.
		14d. Cell No. (423) 593-3920	14e. E-Mail Address jnp3721@yahoo.com
14f. Affiliation, if any			
15. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
15a. Name		15b. Title	
15c. Address (Street and number, city, state, ZIP code)		15d. Tel. No.	15e. Fax No.
		15f. Cell No.	15g. E-Mail Address
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) Joe Pike	Signature 	Title Pressman	Date Filed 3-24-17

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Exhibit D

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER
AMENDED

DO NOT WRITE IN THIS SPACE

Case

Date Filed

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer WestRock Services, Inc.		b. Tel. No. (423) 622-2255
		c. Cell No. (423) 593-5969
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 2464 Amnicola Hwy Chattanooga, TN 37406	e. Employer Representative Randy Reed, General Manager	g. e-Mail randy.reed@westrock.com
		h. Number of workers employed 125
i. Type of Establishment (factory, mine, wholesaler, etc.) Printing Plant	j. Identify principal product or service Paper products	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

PLEASE SEE ATTACHED SHEET.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Local 197-M of the Graphic Communications Conference of the International Brotherhood of Teamsters

4a. Address (Street and number, city, state, and ZIP code) 3922 Volunteer Drive Suite 12 Chattanooga, TN 37416-3901	4b. Tel. No. (423) 468-4153
	4c. Cell No.
	4d. Fax No. (423) 468-4154
	4e. e-Mail rkellygcc197m@windstream.net

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Graphic Communications Conference of the International Brotherhood of Teamsters

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(signature of representative or person making charge)

Peter J. Leff, Attorney

(Print/type name and title or office, if any)

Mooney, Green, Saindon, Murphy & Welch, P.C.

Address 1920 L Street NW, Ste. 400, Washington, DC 20036

April 6, 2017

(date)

Tel. No. (202) 783-0010

Office, if any, Cell No.

Fax No. (202) 783-6088

e-Mail
pleff@mooneygreen.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about February 22, 2017 and continuing to date, employees have been permitted by the Employer to solicit signatures on a decertification petition in violation of company rules and in a manner that was prohibited to union supporters.

On or about March 6, 2017, a supervisor asked an employee to solicit other employees to sign a decertification petition and informed the employee that she would convince those employees to sign the decertification petition if the employee was unable to.

On or about March 22, 2017 and continuing to date, Plant Manager Randy Reed informed employees that they could solicit other employees to sign a decertification petition on work time during work hours in violation of company rules and in a manner that was prohibited to union supporters.

In or about the end of February 2017, Plant Manager Randy Reed promised an employee that she would receive additional pay if the employees got the Union out of the plant.

On March 27, 2017, Plant Manager Randy Reed, in a series of captive audience meetings, promised the employees benefits, including, but not limited to, an increase in their job security, higher wages, and a better quality of life, if the employees voted to decertify the Union.

On or about April 4, 2017, two agents of the Employer promised employees that they would receive a \$2.00 per hour raise and an increase to their 401(k) plan match if they voted to decertify the Union and that their jobs would be guaranteed for the first year after they decertified the Union.

On or about April 4, 2017, two agents of the Employer threatened employees that the plant will be shut down if they continued to support the Union.

Exhibit E

Confidential Witness Affidavit

I, Sheila Smith, being first duly sworn upon my oath, state as follows:

I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.

I reside at [REDACTED], Soddy Daisy, TN 37379

My cell phone number (including area code) is 423-[REDACTED]

I am employed by WestRock Services

located at 2462 Amnicola Hwy, Chattanooga, TN 37406

1. Counsel for WestRock Services, John Coleman, was present for this affidavit.
2. I have worked for WestRock Services ("Employer") for approximately 30 years. I am a first shift supervisor in finishing department. I have been a supervisor for approximately 27 years. I work from 7:00 AM to 3:00 PM. I supervise 27 employees; I set a daily schedule and oversee production. I am responsible for employee attendance and incoming and outgoing shipments. I report directly to Bryan Sweetin, finishing manager.
3. I first learned about the petition to decertify the Union around the end of February 2017. I heard floor gossip about a petition. I remember a series of employee meetings that Randy Reed, plant manager, called. The first one was on or about March 22, 2017 (maybe a day or two earlier). I attended this meeting with the other employees that work first shift. I don't recall whether Joe Pike, petitioner, attended the first shift meeting. Reed spoke

Privacy Act Statement

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during the meeting; he had slides projected up so that the employees could read along. As far as I remember, Reed just read the slides. The slides explained the decertification process and how it works. I don't recall whether Reed mentioned Pike in the meeting. Employees asked questions during the meeting. I don't recall exactly what was asked but the questions more or less concerned the decertification process.

4. I attended another meeting on or about March 27, 2017. I believe that Reed, plant manager, was there and spoke. I believe Reed had a slide presentation for that meeting also, but we have had so many meetings lately that I don't recall exactly what was said.
5. I attended a smaller group meeting with Reed, and Tamika Cheeks, HR manager. About 12-15 employees attended that meeting. Both Reed and Cheeks spoke to us about the decertification. There was a slide presentation in this meeting. The slides outlined federal laws. Some of the slides discussed the National Teamsters Unions.
6. On or about April 18, 2017, I attended one other small group meeting. The meeting was at 8:00 AM. There were two or three other similar meetings on first shift and several similar meetings on the other shifts. Reed and Cheeks both attended with Scott (last name unknown), head of HR corporate offices. Reed introduced Scott and Scott did all of the speaking. Scott had a slide presentation, projected so that the employees could read along. Two or three people asked questions at the end of the meeting. One of the questions was about the 401k program and comparing it to the Union's pension program. Scott referred to his slide with the Employer's 401k program at non-union plants.
7. If a machine is down in my area, because there is a problem with a machine or because it is in between jobs, the employees that I supervise come to see me for further instructions. I reassign based on schedules, have employees do cleaning, and set up for the next job.

4/20/2017

Often, when the machines are down due to being out of materials or waiting for the material handlers to deliver more materials, employees will have time when they can chat, visit the restroom, or do nothing. Generally, this downtime will last for a couple of minutes to 10-15 minutes.

8. Some of my employees came to me and ask me what I knew about the decertification. I did not go to the employees. I told them to talk to Joe Pike. Reed, plant manager, told us that Joe Pike was going to try to file for decertification. This conversation occurred around the end of February or beginning of March. Reed explained how decertification worked and went over the laws that explained what we could and couldn't say to employees during the process. I also looked it up on Google.

I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this Confidential Witness Affidavit consisting of 3 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.

Date: April 20, 2017Signature: 

Sheila Smith

Signed and sworn to before me on April 20, 2017 atChattanooga, TN
Kami Kimber
Board Agent

National Labor Relations Board

Exhibit F

Confidential Witness Affidavit

I, Walter "Charlie" White, being first duly sworn upon my oath, state as follows:

I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.

I reside at [REDACTED] Harrison TN 37341

My cell phone number (including area code) is 423-4 [REDACTED]

I am employed by WestRock Services

located at 2462 Amnicola Hwy, Chattanooga, TN 37406

1. Counsel for WestRock Services, John Coleman, was present for this affidavit.
2. I have worked for WestRock Services ("Employer") for approximately 5 years. I am a third shift finishing supervisor. I have been a supervisor for approximately 2 years. I am responsible for supervising all the employees in the finishing department, around 19 full time employees, on third shift. I report directly to Bryan Sweetin, finishing department manager.
3. I first learned that there was a petition to decertify the Graphics Communications Conference of the International Brotherhood of Teamsters, Local 197-M ("Union") towards the end of February 2017. The first time I heard anything it was talk among some of the employees in my department. I do not recall any employees asking me to send an email to Randy Reed, plant manager, about other employees soliciting for signatures for

Privacy Act Statement

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the decertification petition. I believe that around the beginning of March 2017, Reed called me and my immediate supervisor, Bryan Sweetin, into a meeting to tell me about the decertification process and discuss what I could and could not say to employees about the decertification. Reed did not provide any handouts to me.

4. There is downtime in my area every shift, usually caused by change overs (changing out product on the line, waiting on material handlers to pick up finished product and bring new product). Downtime can vary by the night, some nights we might only have 5-10 minutes of downtime during the shift while other nights it can be 45 minutes to an hour. Employees generally spend the time in conversation, or run to the restroom, or clean up and restock the line. Employees just let the line leads know if the employees are going to leave the area.
5. On or about March 22, 2017, I attended an employee meeting for the entire third shift employees. Reed, plant manager, led the meeting. Joanie Pfeiffer, HR, was also at the meeting. I do not remember whether Joe Pike, petitioner, was at the meeting. I believe the meeting occurred at about 6:00 AM. Reed had a PowerPoint presentation that was projected up so that employees could read along. Reed explained the decertification process. I don't remember whether Reed discussed Pike in the meeting. Some employees asked questions, but I don't remember what the questions were about.
6. About a week later, possibly around March 27, 2017, Reed called another meeting for all the employees on third shift. That meeting was at the start of my shift, around 11:00 PM. Reed informed everyone that the decertification petition had been filed. There was not a PowerPoint presentation in this meeting. Reed read from notes, but they were not projected for employees to follow along. It was a brief meeting but I don't remember

4/21/2017.

what Reed said. A few employees asked questions, but I don't remember what the questions were. I have hearing loss, so if I'm not close to whoever is asking a question, I can't hear them.

7. I did not attend any small group meetings. I have not attended any other meetings with employees about the decertification petition or process.

I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this Confidential Witness Affidavit consisting of 3 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.

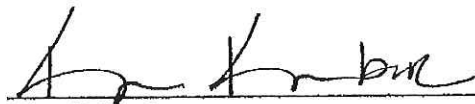
Date: April 21, 2017

Signature:


Walter "Charlie" White

Signed and sworn to before me on April 21, 2017 at

Chattanooga, TN



Kami Kimber

Board Agent

National Labor Relations Board

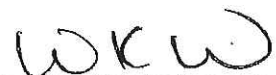


Exhibit G

Confidential Witness Affidavit

I, Tameka Cheeks, being first duly sworn upon my oath, state as follows:

I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.

I reside at [REDACTED] Harrison, TN 37341

My cell phone number (including area code) is 937-[REDACTED]

I am employed by WestRock Services

located at 2462 Amnicola Hwy, Chattanooga, TN 37406

1. Counsel for WestRock Services, John Coleman, was present for this affidavit.
2. I have worked for WestRock Services ("Employer") for approximately 4 years. I am the Human Resources Manager. I report to Scott Pulice, HR director. I support the four facilities that make up the Visual Division of the Company. I am based out of the Chattanooga office.
3. I first learned that there was a petition to decertify the Graphics Communications Conference of the International Brotherhood of Teamsters, Local 197-M ("Union") around the end of February 2017; I don't recall the exact date. I believe Randy Reed, plant manager, mentioned that some employees had a petition for decertification in process. Reed and I had a series of meetings with supervisors to explain what was going on and what the Employer's role in the process was. I don't remember specific dates, but

Privacy Act Statement

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it would have been shortly after I learned about that there was a petition to decertify the Union. I don't believe that we provided any kind of handouts to the supervisors.

4. I attended a series of meetings with employees. I attended one of the meetings that Reed, plant manager, called to explain the decertification process to the employees. The meeting that I attended was during first shift, but Reed held a similar meeting on both second and third shifts. I don't recall the date of the meeting. Reed had a PowerPoint presentation that was projected so that employees could follow along. Reed just read what was on the PowerPoint slides. I don't recall whether Joe Pike, petitioner, was present for this meeting. I don't recall his name being mentioned specifically. The meeting discussed the decertification process and asked all the employees to be professional and courteous towards each other. The meeting lasted no more than one hour. Employees were allowed to ask questions and a few people asked questions. I don't recall the specific questions but they were clarification question about the decertification process.
5. About a week later, right after the Employer received notification that the petition had been filed, Reed called another meeting. The purpose of the meeting was to announce to the employees that that the Employer had received notification that the petition to decertify the Union had been filed. This meeting was held on each shift. I attended two of the meetings. I did not attend the meeting on the third shift. It was a short meeting, only lasted long enough to announce that we had received the notification. We did not allow for questions at that time, we just made the announcement. We advised the employees that if they had question, we would address them at a later date.

6. Later we held a series of small group meetings with all the employees. The meetings generally consisted of 12-15 employees at a time and we made sure that all the employees had the opportunity to attend a meeting. The first set of small group meetings occurred around the end of March or beginning of April 2017, I don't recall the exact dates. I attended all of these meetings; there were three meetings each on first and second shifts, one overlap meeting for our Spanish speaking employees, and two meetings on third shift. During these meetings, Reed, plant manager, and I presented information. We had a PowerPoint presentation. We discussed the process for decertification and the Employer's role in the process. We also discussed the Union's role in the process. We allowed questions during the meetings. Employees did ask questions but I don't recall what was asked or which employees asked questions.
7. I did not attend any of the series of meetings with the visitors from another facility that were held during the first week of April. We had one other series of meetings during the week of April 17, 2017. Pulice, HR director, led these meetings. Pulice is based out of our division location in Winston-Salem, North Carolina. I attended one of the meetings that Pulice held, during first shift. Pulice discussed what information the Employer was allowed, and not allow, to share with employees during the decertification process. Pulice also provided what the Employer offered employees at the non-union facilities. Pulice had a PowerPoint presentation for these meetings.
8. I have not had any employees approach me about the decertification process outside of the meetings.

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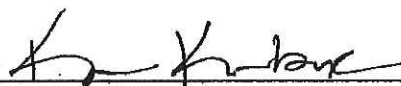
4/21/2017

I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this Confidential Witness Affidavit consisting of 4 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.

Date: April 21, 2017Signature: 

Tameka Cheeks

Signed and sworn to before me on April 21, 2017 atChattanooga, TN

Kami Kimber

Board Agent

National Labor Relations Board

Exhibit H

Confidential Witness Affidavit

I, David Gravitt, being first duly sworn upon my oath, state as follows:

I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.

I reside at [REDACTED] Hixson, TN 37343.

My cell phone number (including area code) is 423-[REDACTED]

I am employed by WestRock Services

located at 2462 Amnicola Hwy, Chattanooga, TN 37406

1. Counsel for WestRock Services, John Coleman, was present for this affidavit.
2. I have worked for WestRock Services ("Employer") for approximately 34 years. I am a pressroom and maintenance supervisor. I have been a supervisor for approximately 16 years. I report to Randy Reed, plant manager. I supervise approximately 30 + employees on three shifts, first, second and third shifts.
3. I first learned that there was a petition to decertify the Graphics Communications Conference of the International Brotherhood of Teamsters, Local 197-M ("Union") approximately the end of February, I don't know exact dates. I recall Reed having a brief meeting to let us know that an employee had started the process to decertify the Union.
4. During the first meeting with the employees, Reed had a PowerPoint presentation that he read off to the employees. The presentation was projected so that the employees could

Privacy Act Statement

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follow along. There was one meeting for each shift, but I only attended the first shift meeting. I'm not sure when this meeting occurred but I believe it was around the middle to the end of March. The PowerPoint basically explained the process of decertification. Reed, plant manager, mentioned several times that he was "reading the slides word for word, so that you can follow along with what I am saying." I don't recall Joe Pike, petitioner, being at the first meeting. I don't recall any discussion about threats or how employees should treat each other during the presentation. Reed just read what was on the slides. Reed allowed questions during the meeting. I remember that there were a few questions asked, but I don't recall what the questions were.

5. Reed called another meeting to announce that the Employer had received notification that the petition for decertification of the Union had been filed. I don't remember when the meeting occurred. I believe there was one meeting per shift; I know I attended one meeting during first shift. This meeting was very short, just to let the employees know that the petition had been filed. There was no presentation or questions during this meeting. I believe Reed said that he would get back to employees later.
6. Next, there was a series of meetings with small groups of employees. There were meetings on each shift, at multiple times, to allow all the employees to attend. I attended one of these meetings. I don't recall the content of the meeting. There was a PowerPoint presentation. I believe that Reed, plant manager, just read the PowerPoint presentation. Tameka Checks, HR, was also present for this meeting. There were a few questions asked during this meeting, but I don't recall the content of the questions.
7. Next, there were a series of small group meetings with visitors from another facility. I did not attend any of those meetings.

8. On or about April 19, 2017, the Employer had another series of small group meetings led by Scott Pulice, HR director. I attended one of these during first shift. Reed, plant manager, and Cheeks, HR, were also in this meeting. Scott had a PowerPoint presentation and did most of the speaking. The content of the slides was basically showing the employees what the employees at non-union facilities currently get. The meeting lasted approximately 30 – 45 minutes. I recall that there were one or two questions asked. One was asking about the 401k in comparison to the Union pension plan. Pulice referred to the PowerPoint slide to show what was available at the non-union plants.
9. Adam Cartwright, second shift pressroom supervisor, reports to me. I supervise first shift and Adam and I share the supervisory responsibilities for third shift. There is downtime for employees in the pressroom. The causes of downtime varies, but could be for lack of work, mechanical downtime, waiting quality approval, etc. normally, employees can take a break, use the restroom, or set up for the next job and basic clean up chores. Employees don't need to tell me every time they leave the area or have downtime. We don't have line leads in the pressroom, we have head pressmen.

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D.G.

4/21/2017

I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this Confidential Witness Affidavit consisting of 4 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.

Date: April 21, 2017Signature: 

David Gravitt

Signed and sworn to before me on April 21, 2017 atChattanooga, TN

Kami Kimber

Board Agent

National Labor Relations Board

Exhibit I

Confidential Witness Affidavit

I, Adam Cartwright, being first duly sworn upon my oath, state as follows:

I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.

I reside at [REDACTED] Chattanooga, TN 37415

My cell phone number (including area code) is 423-[REDACTED]

I am employed by WestRock Services

located at 2462 Amnicola Hwy, Chattanooga, TN 37406

1. Counsel for WestRock Services, John Coleman, was present for this affidavit.
2. I have worked for WestRock Services ("Employer") for approximately 24 years. I am the second shift litho team leader. I have been the team leader for approximately 3 years. I report directly to David Gravitt, pressroom/maintenance supervisor. I supervise employees on three machines on second shift and part of third shift. I split the supervisory duties on third shift with Gravitt.
3. I first learned that there was a petition to decertify the Graphics Communications Conference of the International Brotherhood of Teamsters, Local 197-M ("Union") around the middle to late February 2017. I first heard about it through word of mouth in the shop, from employees. Gravitt and I went over the decertification process and the Employer's role in the process in late February.

Privacy Act Statement

The NLRB is asking you for the information on this form on the authority of the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the NLRB in processing representation and/or unfair labor practice cases and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). Additional information about these uses is available at the NLRB website, www.nlrb.gov. Providing this information to the NLRB is voluntary. However, if you do not provide the information, the NLRB may refuse to continue processing an unfair labor practice or representation case, or may issue you a subpoena and seek enforcement of the subpoena in federal court.

4. I attended one employee meeting to discuss the decertification process with employees; I believe it was in early March 2017. Randy Reed, plant manager, led the meeting and had a PowerPoint presentation, projected for the employees to follow along with what Reed was saying. From what I remember, Reed read what was on the screen word for word. From what I remember, the slides were just a description of the process. Employees asked a few questions, but I don't remember the content of the questions. I believe the meeting lasted about 20-30 minutes. I believe a similar meeting was held on the other two shifts.
5. I remember Reed called another meeting to announce to the employees that the Employer had received notification that a petition to decertify the Union had been filed. I don't remember when that meeting took place. There was no PowerPoint presentation in this meeting. The meeting lasted approximately 15 minutes and no questions were allowed. It was just an announcement about the petition. Reed led the meeting; I don't remember anyone from HR in that meeting. I believe a similar meeting was held on the other two shifts.
6. Around the beginning of April 2017, the Employer held a series of small group meeting. I attended one of those meetings. The meeting included 15-20 employees, Reed, plant manager, and Tameka Cheeks; HR. There was a PowerPoint presentation for this meeting. Reed did most of the speaking, reading off of the slide. I don't recall the content of the slides. I don't remember what the purpose of this meeting was. I don't remember anyone asking questions during this meeting.

7. I know that the Employer had small group meetings on two other occasions. One meeting was with visitors from another facility and the last set of small group meetings was on or about April 19-20 with the HR director. I did not attend either of those meetings.
8. There is downtime in my work area caused by waiting on job approvals, waiting on stock, and waiting on job schedules. Employees sometimes have assigned cleaning, I usually have employees do general house cleaning. Downtime fluctuates depending on the day, some days we can be down a whole shift, other days we might have 2-3 hours of downtime. Employees can use the restroom, and occasionally speak to co-workers. Employees should let me know if they are going to leave the work area during downtime, but they don't always do that.
9. I am Joe Pike's, petitioner's, immediate supervisor. I am aware that Pike is the employee who filed the decertification petition. I believe I found out that Pike was the petitioner around the end of February. I learned from rumors in the shop. I did not have any conversations with Pike about his petition. I did not see Pike solicit anyone for signatures supporting his petition.
10. I have a desk in the supervisor's office near the quality control break room. There are doors leading into the production control office and into Gravitt's, pressroom/maintenance supervisor's, office. There is a copy machine in the production office next door to my office. I don't know whether there is a rule against employees using the copy machine for personal use. I have never seen a written rule or policy stating that employees are not allowed to use the copy machine. I have never been told that employees are not allowed to use the copy machine for personal use. The only people that I have seen using the copy machine are employees doing work related assignments. I am

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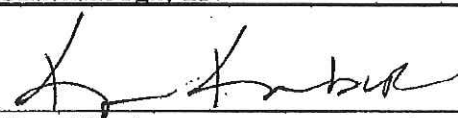
not in my office all the time. I am in and out of the office all shift. I would estimate that in an eight hour shift, I am probably in my office for a total of about four hours.

I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this Confidential Witness Affidavit consisting of 4 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.

Date: April 21, 2017Signature: 

Adam Cartwright

Signed and sworn to before me on April 21, 2017 atChattanooga, TN

Kami Kimber

Board Agent

National Labor Relations Board

Exhibit J

Confidential Witness Affidavit

I, Randle Reed, being first duly sworn upon my oath, state as follows:

I have been given assurances by an agent of the National Labor Relations Board (NLRB) that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the NLRB and will not be disclosed unless it becomes necessary to produce this Confidential Witness Affidavit in connection with a formal proceeding.

I reside at [REDACTED] Ooltewah, TN 37363

My cell phone number (including area code) is 423-[REDACTED]

I am employed by WestRock Services

located at 2462 Amnicola Hwy, Chattanooga, TN 37406

1. Counsel for WestRock Services, John Coleman, was present for this affidavit.
2. I have worked for WestRock Services ("Employer") for approximately 13 years. I am the general manager for WestRock Visual 5503. I have been the general manager for approximately 2 years. I am responsible for the daily operations of the Chattanooga facility. I report to Phil Harris, VP/GM of Visual.
3. I first learned that there was a petition to decertify the Graphics Communications Conference of the International Brotherhood of Teamsters, Local 197-M ("Union") in approximately the middle to end of February 2017. I heard about through rumors from employees. After I first heard the rumors, I did an internet search to learn about the process and I contacted my HR department. I spoke to Tameka Cheeks in HR.

Privacy Act Statement

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4. Sometime in early March, I had a brief meeting with my supervisors to explain the decertification process and to go over the rules of what they could and couldn't say to employees. I did not give them any print out of the rules, or give them any further direction. At that point I was aware that Joe Pike was the petitioner for the decertification, but I don't recall exactly when I learned that fact. I knew who Pike was before the decertification because I know all of my employees by name. During the meeting, I told the supervisors that Pike was the petitioner.
5. On or about March 22, 2017, I held 3 meetings, one per shift, to explain the process of decertification to the employees because several employees had been asking questions. I had a PowerPoint presentation prepared. I read the slides verbatim. I did not introduce Pike at these meetings. I believe he only attended the second shift meeting (Pike works second shift). I had a letter sent to me by Robert Kelly, Union president, stating that Union supporters were being harassed. I had also heard that some shop stewards were calling employees "scabs." One employee, I don't remember who, told me about the "scab" name calling. During the March 22, meeting, I told employees that I didn't want anyone, on either side, harassing anyone else, and if anyone was being harassed to let me know. There were a few questions from employees during each session of this meeting, but I don't remember the context of the questions.
6. On or about March 27, 2017, I held 3 meetings, one per shift in the finishing department, to inform the employees that the Employer had received notification that the petition had been filed. I told them that there would be a date set for an election. I had a prepared statement that I read, but I did not have this statement on slides for the employees to read along. No questions were allowed at this meeting. The meeting lasted approximately 8-10

4/20/2017

two day for employee meetings. The meetings were scheduled so that all the employees would have an opportunity to attend one.

9. I did not stay for the meetings on April 4-5; I made a brief introduction and then left the room. I believe each meeting lasted about an hour. The meetings included approximately 12-15 employees at each meeting. No one from HR or supervision attended these meetings.

10. On or about April 19-20, 2017, we had another series of small group meetings with Scott Pulice, director of HR and merchandizing in Winston-Salem, NC, and Candice (last name unknown) works with corporate benefits in Richmond, VA. I attended these meetings, Cheeks and Pfeiffer, HR, were in and out of the meetings. The employees attended in small groups of approximately 12-15. I introduced Pulice and Candice and then sat in the back to listen. They had a PowerPoint presentation. Pulice and Candice went over the benefits offered at non-union plants. They emphasized the message that the Employer cannot make any promises to the employees. There were questions asked at each meeting. I don't remember specific questions, but they pertained to the benefits that had been discussed. These meetings lasted about an hour each on average.

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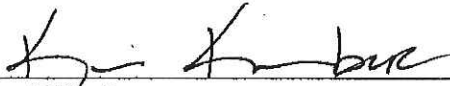
4/21/2017

I am being provided a copy of this Confidential Witness Affidavit for my review. I understand that this affidavit is a confidential law enforcement record and should not be shown to any person other than my attorney or other person representing me in this proceeding.

I have read this Confidential Witness Affidavit consisting of 5 pages, including this page, I fully understand it, and I state under penalty of perjury that it is true and correct. However, if after reviewing this affidavit again, I remember anything else that is important or I wish to make any changes, I will immediately notify the Board agent.

Date: April 21, 2017Signature: 

Randale Reed

Signed and sworn to before me on April 21, 2017 atChattanooga, TN

Kami Kimber

Board Agent

National Labor Relations Board

Initials: 

Exhibit K

John James Coleman III
Admitted in Alabama, Georgia and Texas
JColeman@Burr.com
Direct Dial: (205) 458-5167
Direct Fax: (205) 244-5623

420 North 20th Street
SUITE 3400
Birmingham, AL 35203

Office (205) 251-3000
Fax (205) 458-5100

BURR.COM

April 28, 2017

VIA EMAIL, ORIGINAL TO FOLLOW BY U.S. MAIL

Kami Kimber, Field Attorney
National Labor Relations Board
Region 10
233 Peachstreet St. NE
Harris Tower Suite 1000
Atlanta, GA 30303-1504

**Re: WestRock Services, Inc.
Case No. 10-CA-195617**

Dear Kami:

I enjoyed meeting you last week at the management interviews. This letter is in response to the NLRB's request for evidence dated April 4, 2017, which you allowed us until April 28, 2017 to provide you with a position statement and documents in connection with the above-referenced Charge, and also in response to the request for evidence dated April 24, 2017, which is due on May 8, 2017.

In response to the April 4, 2017 request for information, enclosed is the following:

1. Our Position Statement;
2. Responsive documents, which include:
 - a. Documents offered in response to item 2;
 - b. Documents offered in response to item 3; and
 - c. Documents offered in response to item 4.

With regard to the April 24, 2017 request for information:

1. To the extent they exist, we believe these have already been provided;

Kami Kimber, Field Attorney
April 28, 2017
Page 2

2. Relevant slides have been made part of the Position Statement, and you are welcome to view other slides at a mutually agreeable location (we have an Atlanta office) and determine what, if any, you would like copies of;

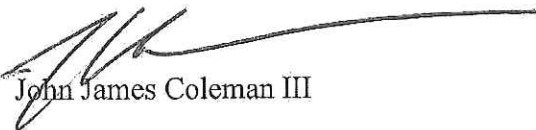
3. It is our understanding the two Conway, Arkansas employees are David Brooks and Earl Johnson;

4. The Robert Kelly letter you requested is attached as Attachment A to the Position Statement; and

5. The email will be provided.

We are happy to have been able to assist you with these requests, and provided this is done in a timely manner, to assist with interviewing the individuals you have requested. We look forward to a prompt dismissal of the Charge.

Sincerely,



John James Coleman III

JJC/tsm
Enclosures

POSITION STATEMENT OF RESPONDENT
WESTROCK SERVICES, INC.

Case No.: Case 10-CA-195617

This constitutes the preliminary position statement of WestRock Services, Inc. ("WestRock") in response to Local 197-M of the Graphic Communications Conference of the International Brotherhood of Teamsters' (Teamsters) April 6, 2017 Unfair Labor Practice Charge and Amended Charge ("Charge") and the Region's Request for Information.¹ The Teamsters' Charge should be recognized for what it is, a groundless Charge filed for the sole purpose of delaying a vote on decertification. WestRock urges the Region to expedite its investigation and disposition of this Charge, as it currently blocks a petitioned for election.

Response

For simplicity, we will focus on each allegation separately.

- A. *On or about February 22, 2017, and continuing until [April 7, 2017], employees have been permitted by the Employer to solicit signatures on a decertification petition in violation of company rules and in a manner that was prohibited to union supporters.*

No one did that. The following is true about solicitation in favor of and against signatures and for any other purpose:

(1) WestRock, like many employers has a no-solicitation rule that allows solicitation on the clock anytime it does not interfere with work—not just during break and lunch periods:²

Employees are not permitted to solicit other employees, customers, contractors or vendors...during the working time of any of the employees involved. Working time is the period when an employee is expected to be performing job duties but excludes approved meal and break periods.

¹ Since time is of the essence in disposing of these charges, every effort has been made to provide accurate information in response to the Charge and your April 4, 2017 letter. Accordingly, this response is a summary of available information and WestRock's investigation is continuing. This response is not intended to be used as evidence in any proceeding of any kind. The Region's acceptance of this letter confirms your assent to this understanding.

² See Justak Bros. & Co., 253 NLRB 1054, 1082 (1981) (employer could not prohibit solicitation of employees "*even on the clock*, when neither the soliciting employees nor the solicited employee is supposed to be actively working.")(emphasis added); NLRB v. General Thermodynamics, 670 F.2d 719, 721(7th Cir. 1982) (distribution permitted so long as employees were not expected to be "*actively working*")(emphasis added).

(2) No employee has ever been disciplined for soliciting during time on the clock (i.e., not break or lunch time) when the employee soliciting and the employee being solicited is not, in the words of the rule, “expected to be performing job duties;” while break and lunch are two examples of time during the day when soliciting among employees is permitted, there are countless examples of cookies, cokes, candy bars, gutter guards, energy drinks, and candles, as well as discussions for and against the decertification petition (including an on-clock meeting among Union officials and supporters that was allowed to continue until it had lasted fifteen minutes and the participants were needed on the job).³ *Supra* note 2.

(3) Nothing in the charge says solicitation of signatures interfered in any respect with work, but instead concerned an employee who at the end of his shift with no further tasks was handing out material to employees exiting his shift as well as to those entering (but not yet even clocked in) on the incoming shift.

(4) Even if the Union supporters choose not to exercise their rights under this rule as interpreted, that does not somehow make the current practice illegal.⁴

B. On or about March 6, 2017, a supervisor asked an employee to solicit other employees to sign a decertification petition and informed the employee that she would convince those employees to sign the decertification petition if the employee was unable to.

This allegation is not true. No supervisor ever asked any employee to solicit employees supervised by him or her to sign a decertification petition or card, nor said the supervisor would help or convince employees to sign a decertification petition or card if the “employee” was unable to do so. Employees who came to a supervisor, some of whom reported threats and intimidation from those who did not want employees to hear both sides, did ask a supervisor

³ Given this consistent practice, singling out soliciting employees would be unlawful. 253 NLRB at 1082 (“A ban on such solicitation activity is lawful only if the ban also extends to solicitation for organizations other than unions, and there is no evidence or claim that Respondent ever forbade any solicitation other than union solicitation.”); *J.J. Cassone Bakery, Inc.*, 350 N.L.R.B. 86, 101 (N.L.R.B. 2007) (“The Board has held that an employer violates Section 8(a)(3) of the Act by disciplining employees for violations of its no-solicitation rule in the context of a union organizing campaign and in a manner disparate from past practices.”); *In Re St. Margaret Mercy Healthcare Centers*, 350 NLRB 203, 204 (2007) (disciplining soliciting employees, even if grounds to do so, was unlawful where the company had previously “tolerated such solicitations”); *Shaw's Supermarkets, Inc.* 2005 WL 1536395 (June 27, 2005) (“Although Respondent's rule states that only charitable and civic solicitation is allowed, Respondent has allowed solicitation for purely private purposes in the areas outside its stores. The fact that Respondent has not uniformly applied its solicitation rule, and instead, has permitted other kinds of solicitation beyond the stated limits of the rule, demonstrates Respondent's discriminatory application of the rule for the purpose of prohibiting union solicitation in violation of the Act.”).

⁴ See *Lockheed Martin Skunk Works*, 331 NLRB 852, 855 (July 24, 2000).

questions about the decertification process and the supervisor immediately directed them to other employees who could answer their questions truthfully.

C. *On or about March 22, 2017 and continuing to date [April 6, 2017], Plant Manager Randy Reed informed employees they could solicit other employees during work time during work hours in violation of company rules and in a manner that was prohibited to union supporters.*

The charge's statement about what Randy Reed said in a March 22, 2017, scripted speech is false. Randy Reed on March 22, 2017 gave both Union supporters and opponents an explanation covering various aspects of the decertification process. The Union was misleading employees about the impact of decertification, and wrote a letter making misleading statements to management about employees exercising their § 7 rights in support of decertification. See Attachment A. Randy felt it was important that everyone understand the truth about this process. He read from a script and set forth what he was reading in slides so all listeners could follow along and so there would be no confusion later about what he said. See Attachment B.

As the script reflects, the talk covered solicitation issues raised by the Union letter, but he did not say what the charge says. When the Union's letter claimed employees seeking to decertify were soliciting signatures on "company time" and on the "workroom floor," Randy clarified that now, just as had been true for decades for all kinds of soliciting, there was nothing prohibited under WestRock's rule to solicit for this purpose on the workroom floor and on company time as long as it did not disrupt someone's actual duties—i.e., as long as neither the employee soliciting nor the target at the time were, in the rule's words, "expected to be performing job duties." See discussion in A., *supra* pp. 1-2. It would not have been lawful for Randy to have said otherwise. *Supra* note 2.

To the extent this part of the charge could be construed to cover any other meetings besides the March 22 meetings, see E., below, there were no unlawful express or implied promises made at other meetings either.

D. *In or about the end of February, 2017, Plant Manager Randy Reed promised an employee that she would receive additional pay if the employees got the Union out of the plant.*

This is not true. Randy Reed never made this statement. Randy made it clear to employees on numerous occasions that WestRock could not promise and was not promising any improvement in wages or benefits should the employees vote to decertify. WestRock also does not provide a "pension" for hourly non-unionized workers; clearly, he would not promise to improve something that does not exist.

It simply defies explanation that Randy Reed, who carefully often reminded employees that WestRock could not promise (and was not promising improved benefits) and who regularly read from scripted speeches, somehow at some unknown time and place would say something so different and so out of character. It is especially telling that an employee, who would have attended at least two scripted speeches stating totally to the contrary thereafter, would suddenly "remember" a much earlier contrary statement.

- E. *On or about March 27, 2017, Plant Manager, Randy Reed, held a series of captive audience meetings and promised the employees benefits including, but not limited to, higher wages, better job security, and a better quality of life, if the employees voted to decertify the Union.*

The charge's contention is not true. Randy Reed did give a scripted speech to employees on March 27, 2017, but it did not include what the charge claims. In fact, to avoid misunderstanding or claims of the type the union alleges, Reed read from a script so employees could follow along and nothing would be misunderstood. See Attachment C. His script in his presentation to employees demonstrates he never made any kind of express or implied promise, but only announced the petition's filing and, as § 8(c) allows each employer, he simply gave WestRock's opinion of what "could" be better in the event of decertification:

WestRock believes that you could be much better off without a union because our company prefers to work directly with our employees, and not have plants held back due to the cost and disruption of a union. We believe that your quality of life, your financial condition, and your job security could be better if you are union-free...

As for March 30 and 31 small group meetings, Randy again read from slides that stated he could not make express or implied promises about wages, benefits or job security:

QUESTION: *"Can the Company promise to increase my wages and benefits if we vote to decertify the Union?"*

ANSWER:

- Under the law, the Company cannot make promises.
- The Company can and does promise to treat you fair and provide competitive wages and benefits.

He said it again:

QUESTION: *“What are the wages and benefits at WestRock’s non-union plants like this one?”*

ANSWER:

- Remember the Company may not make promises of better pay and benefits to get your vote.
- However, we are able to answer your specific questions concerning wages and benefits at WestRock’s non-union plants.
- Accordingly we will provide additional details in response to this question in later presentations.

His slides made clear, in response to inaccurate Union information to the contrary, that decertifying the Union would not cause the Company to reduce wages or benefits:

QUESTION: *“Will the Company reduce my pay and benefits if we decertify the Union?”*

ANSWER:

- No.
- I give you my personal assurance that neither your wages nor your benefits will be decreased because you decertify the union.

What he said was lawful.⁵ Employers may rebut union “misrepresentations” with “accurate statements,” so long as there is no threat or promise.⁶ Anyone who suggests otherwise

⁵ Reed (and the Company) can promise employees will not be worse than they are now in Chattanooga if the union is decertified. See, e.g., Langdale Forest Products Co., 335 N.L.R.B. 602 (N.L.R.B. 2001)(general manager lawfully signed a “No Cut Guarantee” which assured

is contradicting what his script said, what his slides say, what he said, and, most importantly, what people heard.

- F. *On or about April 4, 2017, two agents of the Employer promised employees that they would receive a \$2.00 per hour raise and an increase to their 401(k) plan match if they voted to decertify the Union and that their job would be guaranteed for the first year after they decertified the Union.*

The charge's contention is false. The charge does not say to whom it refers, but two employees of a different company who went through a decertification in Conway, Arkansas did state what happened in their case.⁷ They came to Chattanooga only because the Union made false

employees that they would not lose wages, benefits, or pensions if they voted out the Union, held meetings stating there would be no cuts if employees voted the union out, and stated in a newsletter sent to employees that, among other things, "I can tell you that no reductions will be made if you get rid of the union."); El Cid, Inc., 222 NLRB 1315 (1976) ("We do not believe that those cases in which an employer makes promises of future benefits to match a Union's promises are pertinent to a decertification election situation, like the present one, where the employer promises only to maintain the status quo if the Union loses the election."). He can state facts about compensation and benefits at other union-free plants (i.e., that wages and benefits are better at non-union plants), see Viacom Cablevision of Dayton, Inc., 267 NLRB 1141 (1983) ("truthful[]" information about wages at non-unionized locations), TCI Cablevision of Washington, Inc., 329 NLRB 700, 701 (1999) (401(k) comparison; employer can raise issue). He also can state what could be better about quality of life, Howard Johnson Co., 242 NLRB 386 (1979) (lawful for employer to state that the union would "only make things more difficult for all of us"); Optica Lee Borinquen, Inc., 307 NLRB 705, 708-709 (1992) (finding lawful statement that "[w]ith the Union reason is going to be replaced by force, good understanding by misunderstanding and harmony by discord."); John W. Galbreath & Co., 288 NLRB 876 (1988) ("There is no threat, either explicit or implicit, in a statement which explains to employees that, when they select a union to represent them, the relationship that existed between the employee and the employer will not be as before."), job security, EDP Medical Computer Systems, Inc., 284 NLRB 1232, 1264 (1987) (citing Michael's Markets, 274 NLRB 826 (1985)) (the employer's display of a poster entitled, "Is this job security?" depicting companies that had closed as a result of unionization and making remarks about the poster were found to be lawful. The Board held that neither the poster nor the employer's remarks suggested that the employer would close if the union came in and "Respondent has the right to give employees information with respect to industry conditions."), and other possible benefits. Aliante Station Casino & Hotel, 358 NLRB 1557, 1558, 1578 (2012) (though among the Noel Canning decisions, the analysis remains correct).

⁶ See Nat'l Micronetics, Inc., 277 NLRB 993, 994 (1985).

⁷ Though they were not agents, such statements would be lawful even if these employees from elsewhere had been agents. Viacom Cablevision, 267 NLRB at 1141-42 (1983) (even employer could make "statements of historical fact concerning the yearly increases that had been given elsewhere."); *supra* note 6.

statements and threatened employees with loss of pay, benefits and even their jobs, and employees asked to hear from someone from elsewhere who had been through a decertification.

Neither management nor supervision was present when they spoke.⁸ From what we understand, the two Conway employees remarks concerned their experience at Conway, not Chattanooga. To our knowledge, they never “promised” a \$2.00 per hour raise; they merely stated truthfully that after they decertified their union, their employer did not reduce their wages (as the Union here had threatened), but rather their wages had increased by \$2.00 per hour to bring them into step with area standards. Moreover, as hourly employees having **NO** responsibility at Chattanooga, they could not have made such things come true.⁹

G. *On or about April 4, 2017, two agents of the Employer threatened employees that the plant will be shut down if they continued to support the Union*

As with F., next above, it is not possible to know precisely to what this refers, but we can say that no one has threatened employees with plant closure if decertification does not occur (the only plant closure threats have come from the Union, which threatened plant closure if decertification occurs). As above, this claim appears to reference two employees of a different company who went through a decertification in Conway, Arkansas, who did state what happened in their case. Again, they did not state what would happen here. Again, they were not Respondent's agents, and could not have made such things come true even had they wanted. *Supra* note 7.

Again, those two hourly employees who work at a different plant in a different division spoke in response to questions some employees had about what someone who went through the decertification process could offer. Although no one in management or supervision attended their talk, from what we have heard, some Union supporters may have behaved disruptively, these speakers never threatened “closure” of the Chattanooga facility. Instead, they simply observed that a number of RockTenn (West Rock) plants (some Union and some non-union) had been closed while noting that union contracts did not prevent plant closure.

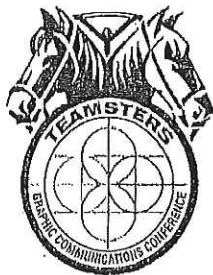
Conclusion

For reasons set forth above and in the statements of supervisors you have interviewed, we request that the Charge, as amended, be dismissed promptly so the election can proceed.

⁸ They differ in this respect from *Howey* in *Albertson's*, 344 N.L.R.B. 1172, 1172-73 (July 29, 2005). Moreover, They did not do this for a living; they were not regular speakers on this subject at Chattanooga, and thus differ in this respect from the security agent in *Wynn Las Vegas*, 2016 NLRB LEXIS 716 at *58 (ALJ Etchingham Sept. 26, 2016).

⁹ *Permanente Med. Group, Inc.*, 2012 NLRB LEXIS 450 (2012)(“It is well established that the Board will not find a threat by a party to be objectionable unless the party has the ability to carry out the threat”).

Attachment A



Southeast Local 197-M
Graphic Communications Conference/International Brotherhood of Teamsters

3922 Volunteer Dr, Suite 12 Chattanooga, TN 37416-3901

Phone (423) 468-4153 * Fax (423) 468-4154

Members in Alabama-Arkansas-Florida-Georgia-Louisiana-Mississippi-North Carolina-South Carolina-Tennessee

March 8, 2017

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Randy Reed
General Manager
Visual Offset
WestRock
2464 Amnicola Hwy
Chattanooga TN 37406

Tameka Cheeks
HR Manager
Visual Offset
WestRock
2464 Amnicola Hwy
Chattanooga TN, 37496

RE: Negotiations between WestRock and GCC/IBT Local 197-M

Dear Mr. Reed and Ms. Cheeks:

It has come to my attention that plant management is allowing employees to solicit signatures on a petition to decertify the Union as the employees' bargaining representing on the workroom floor on Company time in violation of the plant's work rules. Additionally, some employees are using intimidating behavior to coerce other workers to sign the decertification petition while plant supervisors turn a blind eye.

Please reconfirm your commitment in writing to your employees that WestRock management will enforce plant work rules in an evenhanded way towards both Union supporters and to those who do not support the Union, that WestRock employees are free to support or not support the Union as they see fit without coercion or fear of retaliation, that WestRock will not tolerate any intimidating behavior towards its employees to support or not to support the Union, and that WestRock is committed to complying with its legal obligation to negotiate in good faith with the Union to achieve a new collective bargaining agreement.

Yours truly,

By: 

Robert Kelly, President



President
Robert Kelly

Executive Vice President
Tony Christian

Secretary/Treasurer
Larry Best



Attachment B

During the past few weeks, many of you have asked questions about the effort being made by a number of our employees to decertify the Teamsters union as your bargaining representative.

In addition, I have received a letter from the Teamsters Local 197-M who also seem to be confused about what is going on at our plant.

So, I thought it would be a good idea for us to get together and make sure that everyone understands what a decertification petition is, what it means for you, and what the legal process is for the handling of such petitions.

(As you can see, I am reading what I am telling you today because I don't want any question to come up later about what I have said.) Having said that, let me try to answer the questions that some of you have raised.

QUESTION: What does "decertification" mean?

ANSWER: The law applicable to union representation recognizes the right of employees, such as you, to determine, by a majority vote whether or not you want continued union representation.

So, you have a right to ask the government (NLRB) to conduct a secret ballot election on whether you will continue to be unionized.

The first step of the decertification process is for at 30% of the employees to express an interest (typically by signing so called authorization cards), and filing a petition with the NLRB requesting a secret ballot election.

QUESTION: Do you know when an election would be held here at our plant?

Answer: It would depend on when 30% or more of our employees sign cards supporting decertification. At that point, a petition can be filed with the NLRB. Usually, decertification elections are conducted within four weeks or so from the time a petition is filed. I know everyone would like to get this election over as soon as possible, and I promise to do what I can to avoid any delays in the process.

QUESTION: What do the authorization cards that we are being asked to sign mean and how will they be used in the decertification process?

Answer: Authorization cards do not constitute a "vote" by you on whether to decertify the union. Rather, they are used to show the government (NLRB) there is enough support for the certification to justify the conduct of a secret ballot election. The election that follows will determine if a majority of you want to keep the union, or would like to decertify it. Whether you sign a union authorization card, or not, will not require you to vote in the same way at the secret ballot election.

It is your individual decision whether or not to sign a union card. You have the legal right to choose one way or the other. You have the right to make your decision without being harassed or interfered with by anyone. Unfortunately, we've had some incidents already where a couple of employees have used offensive language and acted in a very disrespectful way to influence others. If anyone here is subjected to that sort of mistreatment you are welcome to talk with me about it. We'll investigate and take appropriate lawful action to see that any inappropriate behavior stops immediately.

QUESTION: What is the company's position on decertification?

Answer: I know that some of you want to hear from us on this issue. However, until we receive notice from the NLRB that an election has been scheduled, we are not legally able to answer your questions and talk with you about our position on the decertification process and its consequences. So, Westrock cannot openly urge you to support or oppose decertification. Therefore, I want to be very clear at this time that Westrock is not taking any official position on whether you should or should not be for the union. The certification process was started without our involvement and we will keep it that way until a petition is filed.

However, the law does state that after a decertification petition is filed, Westrock would be able at that time to express our feelings on whether you are better off with or without this union. We would also be able to provide you with all the facts you need to decide whether you should keep the Teamsters here as your representative.

Remember, also, that the decision on whether to file a petition with the NLRB for a secret ballot election, is yours and yours alone to make. Then, when you vote in the secret ballot election, the decision on whether to keep the union is

yours and yours alone.

QUESTION: If we were to vote to decertify the union, how long would it be before the union would be able to come back into our plant, if we wanted it to?

Answer: If a decertification petition is filed, and the union loses the election, the union would have to stay away for a minimum of one year. After one year, the union could come back, if a majority of you were to vote it back in.

QUESTION: *Have employees at any other WestRock locations voted to decertify their union? If so, are those locations still in business? Has the company taken anything away from those employees who voted to decertify?*

ANSWER: *I checked into this and found out that there have been decertifications of unions at some WestRock locations. Some of these are Conway, Arkansas; North Chicago, Illinois; and Hanover Park, Illinois. All of these facilities are still in business and I am told that all are very successful operations. Nothing was taken away from the employees at these plants after they voted to decertify their union.*

THE UNION LETTER:

One of the things the union said in its letter to me was to accuse someone of you and the company of intimidating, coercing, and retaliating against employees in support of the decertification effort. That is not true. Instead, I have heard that there have been reports of bullying and threatening comments, but those comments have been directed against those seeking recertification, not with the union claims. Either way, however, I want to make sure that everyone, regardless of your position, understands that we expect all of you to do your job, respect our rules, respect each other, and not engage in any behavior that interferes with our ability to do our jobs and serving customers.

The union also raised in its letter a question of whether the company was allowing those who are supporting the certification to solicit support for their position during working time. As you know, we do not try to restrict your non-work conversations during working time. However, we do expect that no one will interfere with your own, or anyone else's work. Let's make sure that we follow that rule and get our work done and serve our customers.

I wish I could say more at this time, but I cannot, other than say that we will continue to follow the law, and do all we can to ensure that this plant is a great place to work.

Attachment C

INITIAL REMARKS (POST DECERTIFICATION-PETITION)

By now most of you know that we will have a decertification election here next month, to decide whether this plant will become union-free. Your vote will be by secret ballot, and it will be done under the supervision of the National Labor Relations Board.

Now that the decertification petition has been filed and an election scheduled, the law allows me to state my position, and WestRock's position, on this very important decision you will make.

I believe that you could all be much better off without having to pay union dues and without being held back by a union contract that *prevents* WestRock from rewarding you for the great work you do here. This is a great plant and you do a great job for WestRock. I'd like for us to have the chance to see how much better we can do when we are judged on our performance, and not on what is written into a union contract.

WestRock believes that you could be much better off without a union because our company prefers to work directly with our

employees, and not have plants held back due to the cost and disruption of a union. We believe that your quality of life, your financial condition, and your job security could be better if you are union-free. We therefore encourage you to vote "NO" to the Teamsters during the secret-ballot election next month.

Let me explain why this is all so important to me. Year after year our results are among the best in our company. But it really bothers me to see that employees working at other WestRock plants, who often don't have numbers as good as you have, make more money than you. It bothers me to see that our non-union plants typically are paid better than union plants like this one. I want to see you get out from under the union contract that is holding you back so you can see if you do better without a union here and without union dues. I think you deserve the chance to see what you can accomplish when your contribution to this company is taken into account and there is no union contract holding you down.

You, of course, have the final say in this election. It comes down to this choice. You can vote for a union which many of you don't like and can keep paying dues, or you can chose to vote

for a union-free workplace managed by a team you believe in and trust.

During the coming weeks, you can expect the union to tell you to vote based on fear and mistrust. Unfortunately, the union can promise you anything and does not have to make good on their promises. That's the law. I would ask each and every one of you to vote based upon the trust and confidence you have in the leadership here in Chattanooga and WestRock.

When the vote is over, when the ballots are counted, we will focus on our future here in Chattanooga. We will ask for your input about how to make this plant better. We'll treat you fairly regarding wages and benefits and work practices. We'll ensure that you have effective supervisors who treat you fairly and with the respect and appreciation you deserve. And we will put all our commitments in writing.

So as you make your choice concerning your future, I ask that you focus on the future of this plant and our belief in a "one team" approach; I ask that you come together as a team and work together with management to achieve success. I ask that you communicate with each other more effectively and respect

each other. I give you my personal pledge as do each and every one of the management team.

Look, the Teamsters have had ___ years, here. All we want is **one year** to show you that things can be better here union-free. That's all you have to give us. And, once you give us the chance, I am confident a year from now you will have no interest in going back to a union.

I urge you to say to those who assert that "we-need-a-union-here", you are misguided. There is a better way.

Tell the union by your vote, in loud and clear terms:

- "This company has provided good jobs and steady work."
- "But we want a brighter future."
- "We can have that future by working together. Not by fighting each other."

The bottom line is that your choice in the coming week is very clear. This decision that you will make will be one of the most important ones you will make as an employee of this company.

You can vote to keep things just the way they are, or you can vote to give all of us the chance to make things much better. I ask you to give us the chance to work with you directly, without the interference of a union, so we can succeed together. I am asking you to vote no to make this plant union-free and help get our plant on the best track to success.

Thank you for your time and your careful attention during the next few weeks.

Exhibit L

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
3rd AMENDED CHARGE AGAINST
EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
10-CA-195617

Date Filed
JUNE 6, 2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer WestRock Services, Inc.		b. Tel. No. 423-622-2255
		c. Cell No. 423-593-5969
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 2464 Amnicola Hwy Chattanooga, TN 37406	e. Employer Representative Randy Reed, General Manager	g. e-Mail randy.reed@westrock.com
		h. Number of workers employed 125
i. Type of Establishment (factory, mine, wholesaler, etc.) Printing Plant	j. Identify principal product or service Paper products	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Please see attached sheet.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Graphic Communications Conference of the International Brotherhood of Teamsters, Local 197-M

4a. Address (Street and number, city, state, and ZIP code) 3922 Volunteer Drive Suite 12 Chattanooga, TN 37416-3901	4b. Tel. No. 423-468-4153
	4c. Cell No.
	4d. Fax No. 423-468-4154
	4e. e-Mail rkellygcc197m@windstream.net

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

Graphic Communications Conference of the International Brotherhood of Teamsters, Local 197-M

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)

Peter J. Leff, Attorney
(Print type name and title or office, if any)

Mooney, Green, Saindon, Murphy & Welch, P.C.
1920 L Street NW, Ste 400, Washington, DC 20336

Address

June 6, 2017
(date)

Tel. No.
Office, if any, Cell No.
Fax No.
e-Mail
pleff@mooneygreen.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

WestRock Services, Inc.
Case 10-CA-195617
3rd Amended Charge Against Employer

Basis of the Charge:

Within the past six months, the Employer disparately applied its policy against solicitation during work time and in work areas by prohibiting its employees from discussing Union matters while allowing other employees to solicit support for a decertification petition.

On or about March 1, 2017, the Employer, by General Manager Randy Reed, promised benefits to its employees by telling employees they would receive a raise if the Union was decertified.

On or about March 6, 2017, the Employer, by Shift Supervisor Sheila Smith, encouraged, promoted and assisted employees in a decertification petition effort by soliciting and directing employees to obtain signatures for the decertification petition from certain other named employees and by unlawfully soliciting and directing employees to inform the Employer of the Union activities of those named employees.

On or about March 6, 2017, the Employer, by Shift Supervisor Sheila Smith, encouraged, promoted and assisted its employees' decertification petition efforts by telling employees that the Employer would encourage unwilling employees to sign the decertification petition.

On or about March 27, 2017, the Employer, by General Manager Randy Reed, provided assistance to the decertification petition by collecting decertification signature cards from employees.

During meetings held on or about March 22 and 27, 2017, the Employer, by General Manager Randy Reed, implied promises of improved wages and benefits if the Union was decertified.

On or about April 4, 2017, the Employer, by Agents David Brooks and Earl Johnson, implied promises of improved wages and benefits if the Union was decertified.

On or about April 4, 2017, the Employer, by Agents David Brooks and Earl Johnson, implied threats of plant closure in the Union was not decertified.

On or about April 4, 2017, the Employer, by General Manager Randy Reed, unlawfully interrogated employees regarding their support of the Union

On or about April 18, 2017, the Employer, by HR Director Scott Pulice, implied promises of improved wages and benefits if the Union was decertified.

Exhibit M



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10

233 Peachtree St NE
Harris Tower Ste 1000
Atlanta, GA 30303-1504

Agency Website: www.nlr.gov

Telephone: (404)331-2896

Fax: (404)331-2858

June 28, 2017

Joe Pike, Pressman
4613 Anderson Pike
Signal Mountain, TN 37377-1047

Re: WestRock Services, Inc
Case 10-RD-195447

Dear Mr. Pike:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

Decision to Dismiss: As a result of the investigation of the unfair labor practice charge in Case 10-CA-195617, I find that further proceedings on the petition are unwarranted. The investigation of that charge disclosed that the showing of interest, which was comprised of cards signed by employees, was tainted by the Employer's involvement in the solicitation of the aforementioned cards. Specifically, witness testimony established that the Employer solicited and encouraged the filing of the petition by allowing employees to solicit support for the decertification petition during work time and in work areas while prohibiting employees from discussing Union matters during work time and in work areas, thereby disparately enforcing its solicitation policy. Additionally, the evidence revealed the Employer promised raises to employee(s) if the Union was decertified. Furthermore, the investigation disclosed the Employer, through a supervisor, instructed employees to solicit signatures from certain employees and directed employees to report on the Union activities of their co-workers, and through its manager, collected signature card(s) in support of the showing of interest. Considering the totality of the evidence presented, the Region has concluded the Employer provided unlawful assistance to the decertification effort and thereby tainted the petition. See *Mickey's Linen & Towel Supply, Inc.* 349 NLRB 790 (2007). Accordingly, I am dismissing the petition in this matter.

Right to Request Review: Pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. The request for review must contain a complete statement of the facts and reasons on which it is based.

Procedures for Filing Request for Review: A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on July 12, 2017, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on July 12, 2017.

Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically. Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at www.nlrb.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,



TERRY D. COMBS
Acting Regional Director

cc: Office of the Executive Secretary (by e-mail)

Randy Reed, General Manager
WestRock Services, Inc.
2464 Amnicola Hwy
Chattanooga, TN 37406-2311

Marcel L. DeBruge, Esq.
Burr & Forman LLP
420 20th St N Ste 3400
Birmingham, AL 35203-3284

Frank McRight, Esq.
Burr & Forman LLP
420 N 20th St
3400 Wachovia Tower
Birmingham, AL 35203-5201

Robert Kelly, President
Graphic Communications
Conference/International Brotherhood
of Teamsters Southeast Local 197-M
3922 Volunteer Dr
Suite 12
Chattanooga, TN 37416-3901

Peter J. Leff, Attorney
Mooney, Green, Saindon, Murphy
& Welch, P.C.
1920 L Street NW, Suite 400
Washington, DC 20036-5041

Exhibit N



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
233 Peachtree Street NE
Harris Tower - Suite 1000
Atlanta, Georgia 30303-1504

Agency Website: www.nlr.gov
Telephone: (404)331-2896
Fax: (404)331-2858



Download
NLRB
Mobile App

July 7, 2017

Randy Reed, General Manager
WestRock Services, Inc.
2464 Amnicola Highway
Chattanooga, Tennessee 37406-2311

Re: WestRock Services, Inc.
Case 10-CA-195617

Dear Mr. Reed:

Enclosed is a copy of the fourth amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney **Kami Kimber** whose telephone number is (470)343-7487. If the agent is not available, you may contact Deputy Regional Attorney **Gaye N. Hyman** whose telephone number is (470)343-7486.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the fourth amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Terry D. Combs.
Acting Regional Director

Enclosure: Copy of fourth amended charge

cc: Marcel L. DeBruege, Esq.
Burr & Forman LLP
420 20th Street N - Suite 3400
Birmingham, Alabama 35203-3284

WestRock Services, Inc.

- 2 -

Case 10-CA-195617

Frank McRight, Esq.
Burr & Forman LLP
420 North 20th Street
Suite 3400
Birmingham, Alabama 35203-5201

John J. Coleman, Partner
Burr & Forman LLP
420 20th Street N - Suite 3400
Birmingham, Alabama 35203-3284

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
4th AMENDED CHARGE AGAINST
EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

10-CA-195617

Date Filed

JULY 6, 2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer
WestRock Services, Inc.

b. Tel. No.
423-622-2255

c. Cell No.
423-593-5969

f. Fax No.

d. Address (Street, city, state, and ZIP code)
2464 Amnicola Hwy
Chattanooga, TN 37406

e. Employer Representative
Randy Reed, General Manager

g. e-Mail
randy.reed@westrock.com

h. Number of workers employed
125

i. Type of Establishment (factory, mine, wholesaler, etc.)
Printing Plant

j. Identify principal product or service
Paper products

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)
Please see attached sheet.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Graphic Communications Conference of the International Brotherhood of Teamsters, Local 197-M

4a. Address (Street and number, city, state, and ZIP code)
3922 Volunteer Drive
Suite 12
Chattanooga, TN 37416-3901

4b. Tel. No.
423-468-4153

4c. Cell No.

4d. Fax No.
423-468-4154

4e. e-Mail
rkellygcc197m@windstream.net

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

Graphic Communications Conference of the International Brotherhood of Teamsters, Local 197-M

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)

Peter J. Leff, Attorney
(Print type name and title or office, if any)

Tel. No.

Office, if any, Cell No.

Fax No.

Mooney, Green, Saindon, Murphy & Welch, P.C.
1920 L Street NW, Ste 400, Washington, DC 20336

e-Mail
pleff@mooneygreen.com

Address

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

WestRock Services, Inc.
Case 10-CA-195617
4th Amended Charge Against Employer

Basis of the Charge:

Within the past six months, the Employer disparately applied its policy against solicitation during work time and in work areas by prohibiting its employees from discussing Union matters while allowing other employees to solicit support for a decertification petition.

On or about March 1, 2017, the Employer, by General Manager Randy Reed, promised benefits to its employees by telling employees they would receive a raise if the Union was decertified.

On or about March 6, 2017, the Employer, by Shift Supervisor Sheila Smith, encouraged, promoted and assisted employees in a decertification petition effort by soliciting and directing employees to obtain signatures for the decertification petition from certain other named employees and by unlawfully soliciting and directing employees to inform the Employer of the Union activities of those named employees.

On or about March 6, 2017, the Employer, by Shift Supervisor Sheila Smith, encouraged, promoted and assisted its employees' decertification petition efforts by telling employees that the Employer would encourage unwilling employees to sign the decertification petition.

On or about March 27, 2017, the Employer, by General Manager Randy Reed, provided assistance to the decertification petition by collecting decertification signature cards from employees.

During meetings held on or about March 22 and 27, 2017, the Employer, by General Manager Randy Reed, implied promises of improved wages and benefits if the Union was decertified.

On or about April 4, 2017, the Employer, by Agents David Brooks and Earl Johnson, implied promises of improved wages and benefits if the Union was decertified.

On or about April 4, 2017, the Employer, by General Manager Randy Reed, unlawfully interrogated employees regarding their support of the Union

On or about April 18, 2017, the Employer, by HR Director Scott Pulice, implied promises of improved wages and benefits if the Union was decertified.